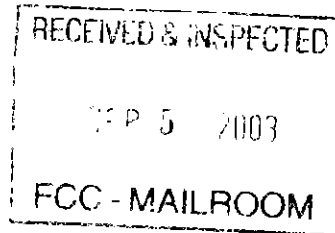


September 3, 2003



The Thomas Group
217 Montgomery Street, Suite 610
Syracuse, New York 13202
Phone (315) 426 - 8445
Fax (315) 426 - 8348
mlc@TheThomasGroup.com

FCC, Office of the Secretary
9300 East Hampton Drive
Capital Heights, MD 20743

Re CC Docket No 02-6
Letter of Appeal
Billed Entity No. 122731
471 Application No 329953
Funding Request No(s) 890812, 890813, 890814, 890815

To Whom It May Concern

During the application process for E-rate Funding Year 2002, Thomas Communications & Technologies, LLC (TCT) applied for funding on behalf of Clark Township School District

Upon receipt of the Funding Commitment Decision Letter, dated June 17, 2002, TCT noted the entire application was denied because "the Form 471 application was signed and/or submitted prior to the expiration date of the 28-day waiting period from the day of the posting of the Form 470 to the SLD website "

Subsequently, an appeal was filed on June 20, 2002 with the SLD that provided documentation regarding the date the application was sent This appeal was denied in full (see attached documentation)

TCT, on behalf of Clark Township School District, would like to enter an appeal to this decision because this was a clerical error In addition, the application was not mailed until the January 17, 2002 deadline. Another point I would like to make on behalf of Clark Township is that this was their first year to file for E-rate reimbursements. Since some of their contracts were in place before they applied in 2002, Form 470 No. 665610000403213 is the establishing Form 470 number FRN's 890812, 890813 were and still are month-to-month billing, contracts are not necessary for these services FRN 890814 was under a three-year contract that commenced on July 1, 2001 and expired on June 30, 2003, these FRN's were treated as month-to-month billing FRN 890815's contract was resigned on June 13, 2002, well after the allowable contract date, but before the July 1, 2002. Funding Year start date

It is TCT's mission to help Clark Township School District obtain their funding for Funding Year 2002. A simple clerical error should not keep this district from receiving much needed funding for their telecommunication services.

Sincerely,

THOMAS COMMUNICATIONS & TECHNOLOGIES, LLC



Michelle L. Chemott
Production Manager of E-rate Services

[MLC amz]

Enclosure



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2002-2003

July 14, 2003

Shari Dwyer, The Montgomery Group
Clark Township School District
217 Montgomery Street Sixth Floor
Syracuse, New York 13202

RECEIVED

JUL 16 2003

THE THOMAS GROUP
SYRACUSE
Project No. _____ File No. _____

Re Billed Entity Number: 122731
471 Application Number 329953
Funding Request Number(s) 890812, 890813, 890814, 890815
Your Correspondence Dated: June 20, 2002

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year 2002 Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 890812, 890813, 890814
Decision on Appeal: **Denied in full**
Explanation:

- In your letter of appeal you state that the Form 471 application was inadvertently dated January 11, 2002, but the application was not sent to SLD until January 17, 2002. You have included documentation supporting proof of delivery and are requesting that funding for this FRN be approved.
- Upon review of this application, it has been determined that the signature date on the Form 471 application is 1/11/02 and the allowable contract date is 1/14/02. The signing of the Form 471 application prior to the expiration of the 28-day waiting period of the 470 is a violation of the program rules. There is no issue regarding the mailing date of the 471 application.

- You signed your Form 471 prior to the expiration of the 28-day posting period. FCC rules require that except under limited circumstances, all Forms 470 received be posted on the website for 28 days, and that applicants carefully consider all bids received before selecting a vendor, entering into an agreement or signing a contract, and signing and submitting a Form 471. See 47 C.F.R. §§ 54.504, 54.511(a), (c). FCC rules further require that the Administrator send the applicant a confirmation when the Form 470 has been posted, and inform the applicant of the date after which the applicant may sign a contract with the vendor it selects. See 47 C.F.R. § 54.504(b)(4). These competitive bidding requirements help ensure that applicants receive the lowest pre-discount price from vendors. See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order on Reconsideration, 12 FCC Rcd 10095, 10098 ¶ 9 (1997).
- Your Form 470 Application Number 665610000403213 was posted on 12/17/01. In your Form 470 Receipt Notification Letter, SLD notified you that the earliest date upon which you could sign and submit your Form 471 was 1/14/02. You have not claimed that this Form 471 relates to a different Form 470 other than the Form 470 indicated above. Consequently, SLD denies your appeal because your application did not comply with the competitive bidding requirement that your Form 470 be posted on the website for 28 days prior to your signing and/or submitting your Form 471.

| | |
|-------------------------------|-----------------------|
| <u>Funding Request Number</u> | 890815 |
| Decision on Appeal | Denied in full |
| Explanation | |

- In your letter of appeal you state that the Form 471 application was inadvertently dated January 11, 2002, but the application was not sent to SLD until January 17, 2002. You have included documentation supporting proof of delivery and are requesting that funding for this FRN be approved.
- Upon review of this FRN, it has been determined that you signed a contract for new services prior to the expiration of the 28-day waiting period computed from the date of the posting of the Form 470 on the SLD Web Site, which is a violation of program rules. The allowable contract date on the establishing Form 470 was January 14, 2002 and you signed the contract on June 4, 2001. In an April 29, 2002 fax, you confirmed that the cited Form 470 665610000403213 on this application is the establishing 470. You submitted a contract award date change supported by a copy of the contract, but it could not be considered since it was received after the issuance of the Funding Commitment Decision Letter. Even if the contract information had been submitted on a timely basis, the Form 471 was signed prior to the allowable contract date of 1/14/02 which is also a violation of program rules and a cause for denial. There is no issue with the mailing date of the 471 application.

- You signed your Form 471 prior to the expiration of the 28-day posting period. FCC rules require that except under limited circumstances, all Forms 470 received be posted on the website for 28 days, and that applicants carefully consider all bids received before selecting a vendor, entering into an agreement or signing a contract, and signing and submitting a Form 471. *See 47 C.F.R. §§ 54.504, 54.511(a), (c)*. FCC rules further require that the Administrator send the applicant a confirmation when the Form 470 has been posted, and inform the applicant of the date after which the applicant may sign a contract with the vendor it selects. *See 47 C.F.R. § 54.504(b)(4)*. These competitive bidding requirements help ensure that applicants receive the lowest pre-discount price from vendors. *See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Order on Reconsideration, 12 FCC Rcd 10095, 10098 ¶ 9 (1997)*.
- Your Form 470 Application Number: 665610000403213 was posted on 12/17/01. In your Form 470 Receipt Notification Letter, SLD notified you that the earliest date upon which you could sign and submit your Form 471 was 1/14/02. You have not claimed that this Form 471 relates to a different Form 470 other than the Form 470 indicated above. Consequently, SLD denies your appeal because your application did not comply with the competitive bidding requirement that your Form 470 be posted on the website for 28 days prior to your signing and/or submitting your Form 471.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.


Schools and Libraries Division
Universal Service Administrative Company

ACCESS NEW JERSEY APPLICATION FOR SERVICE

This Application for Service is effective as of date set forth below ("Signature Date") between Verizon - New Jersey, Inc ("Verizon") and the undersigned customer ("Customer").

1. **Term and Termination** The Service Period will commence thirty (30) days after the Signature Date, subject to Verizon's completion of any work or installation of facilities needed to provide the Services or such other date as agreed to by Verizon and Customer and will continue for thirty-six (36) months ("Service Period"). If Customer terminates this Application prior to expiration of the Service Period, Customer will promptly pay Verizon one hundred percent (100%) of the monthly rates for the Services offset by 1/36th for each monthly payment made.
2. **Services** Customer will during the Service Period purchase, and Verizon will provide, the services listed below in the quantities indicated ("Services") for use at specified Customer locations within Verizon's serving territory. The Services will be provided subject to the terms and conditions of this Application, Verizon's applicable tariffs (as they may be amended from time-to-time) ("Tariffs") and those provisions of the Order and Stipulation of the New Jersey Board of Public Utilities in Docket No. TX96100707, dated June 10, 1997 (as may be amended from time-to-time) that relate to discounts to schools and libraries (the "Order"), which are incorporated by this reference. The Service descriptions are set forth in the applicable Tariffs. Prior to its being tariffed, ATM service will be provided in accordance with service descriptions on file with Verizon. Verizon will provide these service descriptions to customer on request. Verizon's Access New Jersey IntelliLinQ BRI Service may not be provisioned for "D" Channel Packet Data.
3. **Rates** The rates for the Services are set forth in Attachment 1. Verizon may change these rates to the extent authorized by the Order and its Tariffs.
4. **Eligibility.** Customer certifies that it is a not-for-profit school or library and otherwise meets, and will continue to meet throughout the Service Period, the eligibility and other requirements of the Order. Customer understands that it will not be eligible for Universal Fund Service discounts on the Services.
5. **Assignment** Verizon may assign or transfer part or all of this Application to any of its affiliates or to subcontractors of its choosing. Provided that Customer provides Verizon with reasonable prior written notice, Customer may assign or transfer this Application to any company that is the successor to substantially all of its assets and shall pay Verizon any transfer fees required to be paid under applicable tariffs. All other attempted assignments shall be void without prior written consent.
6. **Confidentiality and Publicity** Except as may be required by law, Customer will not disclose this Application or its contents to any third party without the consent of Verizon. Customer will give timely notice to Verizon of demands made under law to produce the Application or to disclose its contents so that Verizon may seek appropriate protective arrangements. Neither party shall publish or use any advertising, sales, promotions, press releases or other publicity material that describe this Application without the prior written approval of the other party.
7. **Entire Agreement.** This Application (including the Tariffs and the Order) constitutes the entire agreement between Customer and Verizon regarding the subject matter hereof and supersedes all prior oral or written quotations, communications, understandings or agreements. Each party represents that its execution of this Application is based solely on its independent assessment of the rights and obligations set forth herein and not on any other oral or written quotations, communications, understandings or agreements. This Application may not be modified or rescinded except by a writing signed by an authorized representative of each party.

AGREED


(Signature)

Clark Board of Education
(Customer Name)

201X060951

(Billed Telephone Number)

ACCEPTED


(Signature)

Brian D. Cloney
Verizon - New Jersey, Inc.

6-13-02
(Signature Date)

| Services | Quantity | Monthly Tariff Rate (Ea.) | % off Prevailing Tariff Rate | Monthly Education Rate (Ea.) | Non- Recurring Charges (Ea.) |
|--|----------|---------------------------------|------------------------------------|------------------------------------|---------------------------------------|
| Verizon's Access New Jersey Frame Relay Service: | | | | | |
| 56 kbps Subscriber Network Access Line (SNAL) | | \$175 | 43% | \$100 | N/A |
| 1.5 kbps Subscriber Network Access Line (SNAL) | | \$435 | 31% | \$300 | N/A |
| 4 mbps Subscriber Network Access Line (SNAL) | | \$2,300 | 42% | \$1,325 | N/A |
| 6 mbps Subscriber Network Access Line (SNAL) | | \$2,600 | 45% | \$1,425 | N/A |
| 22 mbps Subscriber Network Access Line (SNAL) | | \$3,000 | 46% | \$1,625 | N/A |
| 45 mbps Subscriber Network Access Line (SNAL) | | \$3,800 | 52% | \$1,825 | N/A |
| Verizon's Access New Jersey IntelliLinQ BRI Service which includes: | | | | | |
| 1 Multiple Access Arrangement | | \$360 | 72% | \$100 | N/A |
| 2 Alternate Circuit Switched Data Arrangements | | | | | |
| 300 Hours of Local Circuit Switched Data Usage per Month | | | | | |
| Additional Hours of Local Circuit Switched Data Usage | | | Tariff Rates Apply | | Tariff Rates Apply |
| NOTE: IntelliLinQ-BRI rates and charges are in addition to other applicable Centrax Service or individual Exchange Access Line rates and charges as specified in the appropriate tariff | | | | | |
| Verizon's Access New Jersey SMDS Service: | | | | | |
| 56 kbps Subscriber Network Access Line (SNAL) | | \$225 | 56% | \$100 | N/A |
| 1.5 kbps Subscriber Network Access Line (SNAL) | | \$570 | 39% | \$350 | N/A |
| 4 mbps Subscriber Network Access Line (SNAL) | | \$2,000 | 33% | \$1,350 | N/A |
| 10 mbps Subscriber Network Access Line (SNAL) | | \$2,500 | 42% | \$1,450 | N/A |
| 16 mbps Subscriber Network Access Line (SNAL) | | \$3,000 | 45% | \$1,650 | N/A |
| 25 mbps Subscriber Network Access Line (SNAL) | | \$3,500 | 47% | \$1,850 | N/A |
| 34 mbps Subscriber Network Access Line (SNAL) | | \$4,000 | 53% | \$1,900 | N/A |
| | | Rate On File With Verizon | % Off Prevailing Rate | | |
| Verizon's Access New Jersey ATM Service: | | | | | |
| 1.5 kbps Subscriber Network Access Line (SNAL) | 3 | \$800 | 33% | \$400 | N/A |
| 10 mbps Subscriber Network Access Line (SNAL) | 1 | \$3,700 | 51% | \$1,800 | N/A |
| 45 mbps Subscriber Network Access Line (SNAL) | | \$4,450 | 44% | \$2,500 | N/A |
| OC3c-DF Subscriber Network Access Line (SNAL) | | \$6,500 | 54% | \$3,000 | N/A |
| OC3c-SON Subscriber Network Access Line (SNAL) | | \$9,200 | 57% | \$4,000 | N/A |
| ATM Other Charges: | | | | | |
| Permanent Virtual Connections (at least one required per UNI) | | | | | |
| Constant Bit Rate Virtual Channel Connection | | \$2 | 0% | \$2 | \$50 |
| Variable Bit Rate Virtual Channel Connection | 4 | \$2 | 0% | \$2 | \$50 |
| Constant Bit Rate Virtual Path Connection | | \$4 | 0% | \$4 | \$50 |
| Variable Bit Rate Virtual Path Connection | | \$4 | 0% | \$4 | \$50 |
| ATM Optional Features: | | | | | |
| DS3 User Network Interface: | | | | | |
| Five Mbps of Class C Variable Bit Rate Sustained Cell Rate Bandwidth above the initial ten Mbps | | \$100 | 0% | \$100 | \$50 |
| Upgrade of initial ten Mbps Variable Bit Rate Bandwidth to any combination of Constant Bit Rate or Variable Bit Rate Bandwidth | | \$50 | 0% | \$50 | \$50 |
| Upgrade of five Mbps Variable Bit Rate Bandwidth over the initial ten Mbps to any combination of Constant Bit Rate or Variable Bit Rate Bandwidth | | \$25 | 0% | \$25 | \$50 |
| OC3c User Network Interface: | | | | | |
| Ten Mbps of Class C Variable Bit Rate Sustained Cell Rate Bandwidth above the initial 25 Mbps | | \$150 | 0% | \$150 | \$50 |
| Upgrade of initial 25 Mbps Variable Bit Rate Bandwidth to any combination of Constant Bit Rate or Variable Bit Rate Bandwidth | | \$125 | 0% | \$125 | \$50 |
| Upgrade of 10 Mbps Variable Bit Rate Bandwidth over the initial 25 Mbps to any combination of Constant Bit Rate or Variable Bit Rate Bandwidth | | \$50 | 0% | \$50 | \$50 |

A

PLICATION NO.:

| Services | Quantity | Monthly Rate On File With Verizon (Ea.) | % off Prevailing Rate | Monthly Education Rate (Ea.) | Non- Recurring Charges (Ea.) |
|--|----------|---|-----------------------------|------------------------------------|---------------------------------------|
| ATM Administrative Charge: | | | | | |
| One or more changes made to each VCC or VPC on a single service order | | N/A | N/A | N/A | \$75 |

Optional features will be provided at prevailing tariff rates or, if no tariff is applicable, at Verizon's then-current retail rate